

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Lawrence D. Gregg		DEFENDANTS Michael R. Santoni
ATTORNEYS (Firm Name, Address, and Telephone No.) Jann C. Washington 5247 Wilson Mills Rd. #185 Richmond Hts. OH 44143 (440) 552-5492		ATTORNEYS (If Known)
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Willful and malicious assault and battery Personal injury		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<p>FRBP 7001(1) – Recovery of Money/Property</p> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other		
<p>FRBP 7001(2) – Validity, Priority or Extent of Lien</p> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property		
<p>FRBP 7001(3) – Approval of Sale of Property</p> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)		
<p>FRBP 7001(4) – Objection/Revocation of Discharge</p> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)		
<p>FRBP 7001(5) – Revocation of Confirmation</p> <input type="checkbox"/> 51-Revocation of confirmation		
<p>FRBP 7001(6) – Dischargeability</p> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		
<p>FRBP 7001(6) – Dischargeability (continued)</p> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other		
<p>FRBP 7001(7) – Injunctive Relief</p> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other		
<p>FRBP 7001(8) Subordination of Claim or Interest</p> <input type="checkbox"/> 81-Subordination of claim or interest		
<p>FRBP 7001(9) Declaratory Judgment</p> <input type="checkbox"/> 91-Declaratory judgment		
<p>FRBP 7001(10) Determination of Removed Action</p> <input type="checkbox"/> 01-Determination of removed claim or cause		
<p>Other</p> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)		
<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$ _____
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Michael R. Santoni	BANKRUPTCY CASE NO. 19-11398-jps	
DISTRICT IN WHICH CASE IS PENDING Northern District of Ohio	DIVISION OFFICE Eastern Division, Cleveland	NAME OF JUDGE Jessica E. Price Smith
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE 6/20/19	PRINT NAME OF ATTORNEY (OR PLAINTIFF) JANN C WASHINGTON (0087239) 5247 Wilson Mills Rd #185 Richmond Hts. OH 44143 (440)552-5492 F:440-571-0522	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION – CLEVELAND**

IN RE:	Case No. 19-11398-jps
MICHAEL R. SINTONI	Judge: Jessica E. Price Smith
Debtor	Chapter 7
<hr/>	
LAWRENCE D. GREGG	Adversary Case No.
Plaintiff	COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT
-v-	
MICHAEL R. SINTONI	
Defendant	

Plaintiff, Lawrence D. Gregg, by way of Complaint against the Defendant, Michael R. Sintoni, respectfully represents:

JURISDICTION

1. This Court has jurisdiction pursuant to 28 USC §§ 151, 157(b)(2)(F) and 1334(b) in that the action arises and relates to the bankruptcy case of Michael R. Sintoni, commenced on March 14, 2019, and presently pending in this Court. This is a core proceeding pursuant to 28 USC §157(B)(2)(F).

2. Plaintiff brings this adversary proceeding pursuant to 11 USC §523(a)(6) and Bankruptcy Rules 4007 and 7001.

VENUE

3. Venue lies in this District under 28 USC §1409 because this suit arises in and is related to the case pending in this District.

PARTIES AND CAUSE OF ACTION

4. On March 14, 2019, Defendant, Michael R. Sintoni filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.

5. On or about May 9, 2017, Plaintiff was retrieving mail from his mailbox, when he motioned for a vehicle driven by Defendant to slow down for a school zone. Defendant slammed on the brakes, exited his vehicle, ran over to the Plaintiff, and knocked him to the pavement.

6. Defendant was charged with Assault pursuant to Ohio Revised Code 2903.13.

7. On June 8, 2017, Defendant was pled guilty to Disorderly Conduct Persisting.

8. Plaintiff is a creditor of the Defendant. On or about April 4, 2018, Plaintiff filed a Complaint against the Defendant in the Cuyahoga County Court of Common Pleas, Case No. CV 18 895631, seeking damages for personal injuries incurred as a direct and proximate result of Defendant's assault and battery of Plaintiff. A copy of said Complaint is annexed as Exhibit A and is incorporated herein by reference. Said case was pending at the time of the filing of Defendant's bankruptcy petition.

9. As a direct and proximate result of Defendant's willful, intentional and malicious conduct, Plaintiff suffered and continues to suffer personal injuries, pain and suffering, emotional distress, and medical expenses.

10. Plaintiff is entitled to have this debt determined to be non-dischargeable in that it resulted in injuries that were the result of Defendant's willful, malicious and wanton acts, all within the meaning of the United States Bankruptcy Code, and specifically 11 USC §523(a)(6).

WHEREFORE, Plaintiff respectfully requests that this Court determine that the debt owed by the Defendant/Debtor is non-dischargeable, and for Judgment in the amount as determined by this Court, or by the State Court in the pending action, together with interest, attorney's fees and costs of suit, as well as for such further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Jann C. Washington
Jann C. Washington (0087239)
5247 Wilson Mills Rd. #185
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Attorney for Plaintiff



**NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113**

Court of Common Pleas

**New Case Electronically Filed:
April 4, 2018 10:03**

By: RICHARD W. DUNSON 0040259

Confirmation Nbr. 1345958

LAWRENCE D. GREGG

CV 18 895631

vs.

MICHAEL R. SINTONI

Judge: MICHAEL P. SHAUGHNESSY

Pages Filed: 3

Electronically Filed 04/04/2018 10:03 / CV 18 895631 / Confirmation Nbr. 1345958 / CLAHJ

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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

LAWRENCE D. GREGG
3038 Canterbury Road
Westlake, OH 44145

CASE NO.

JUDGE

Plaintiff,

vs.

MICHAEL R. SINTONI
5264 Victoria Lane #104
North Olmsted, OH 44070

COMPLAINT

(Jury Demand Endorsed Hereon)

Defendant.

Now comes the Plaintiff, Lawrence D. Gregg, by and through counsel, and for his Complaint states as follows:

PARTIES

1. At all times pertinent herein, Plaintiff, Lawrence D. Gregg, is and was a resident of the City of Westlake, County of Cuyahoga and State of Ohio.
2. At all times pertinent herein, Defendant, Michael R. Sintoni, is and was a resident of the City of North Olmsted, County of Cuyahoga and State of Ohio.

**FIRST CAUSE OF ACTION
(Assault)**

3. Plaintiff restates each and every allegation of Paragraphs 1 through 2 as if fully rewritten and realleged herein.

4. On or about May 9, 2017, Plaintiff was retrieving his mail from his mailbox when he saw Defendant's vehicle traveling at a high rate of speed.
5. Plaintiff motioned for Defendant to slow down for an upcoming school zone.
6. Defendant slammed on his brakes, exited his car, and approached Plaintiff.
7. At said time and place, and without provocation, Defendant willfully and intentionally placed his hands upon and forcefully knocked Plaintiff backward to the pavement.
8. As a direct and proximate result of said actions by the Defendant, Plaintiff has suffered severe and permanent injuries to his person and suffered mental anguish. Said injuries caused extreme pain and suffering and loss of normal enjoyment of life in the past and will likely cause similar pain and suffering and loss of normal enjoyment of life in the future.
9. As a further direct and proximate result of the actions of the Defendant, Plaintiff has incurred medical expenses and expects to incur further such expenses in the future.

SECOND CAUSE OF ACTION
(Punitive Damages)

10. Plaintiff restates each and every allegation of Paragraphs 1 through 9 as if fully rewritten and realleged herein.
11. Plaintiff further states that the Defendant acted willfully, maliciously, with spite and/or ill will and/or with a reckless disregard for Plaintiff's legal rights, personal safety and well-being.

12. As a direct and proximate result of the Defendant's actions, Plaintiff has suffered damages and is entitled to a judgment against Defendant and an award of punitive damages.

WHEREFORE, on his first cause of action, Plaintiff Lawrence D. Gregg demands judgment against the Defendant, Michael R. Sintoni, in the amount of Seventy Five Thousand Dollars (\$75,000.00), together with his costs incurred herein and whatever further relief this Court deems just and equitable.

WHEREFORE, on his second cause of action, Plaintiff Lawrence D. Gregg demands judgment against the Defendant, Michael R. Sintoni, in the amount of Twenty Five Thousand Dollars (\$25,000.00), together with his costs incurred herein and whatever further relief this Court deems just and equitable.

Respectfully submitted,

/s/ Richard W. Dunson
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Attorney for Plaintiff

JURY DEMAND

Pursuant to Rule 38(B) a trial by jury is hereby demanded in the within cause of action.

/s/ Richard W. Dunson
Richard W. Dunson (0040259)
Attorney for Plaintiff